

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

AARON MICHAEL SHAMO, et al.,

Defendants.

2:16-CR-631 DK

BEFORE THE HONORABLE DALE KIMBALL

DATE: AUGUST 30, 2019

REPORTER'S TRANSCRIPT OF PROCEEDINGS

JURY TRIAL - VERDICT

(Pages 2127 through 2135)

Reporter: REBECCA JANKE, CSR, RPR, RMR
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A P P E A R A N C E S

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1 AUGUST 30, 2019

SALT LAKE CITY, UTAH

2 P R O C E E D I N G S

3 * * *

4 THE COURT: I'm advised that the jury has
5 reached a verdict. We'll get them and see what it is.

6 THE CLERK: All rise, please.

7 (Whereupon the jury enters the courtroom.)

8 Court is now in session. You may be seated.

9 THE COURT: Who is the foreperson of the
10 jury?

11 JUROR NUMBER 2: That's me.

12 THE COURT: Except as to the items referred
13 to in your note, has the jury reached a unanimous
14 verdict?

15 JUROR NUMBER 2: Yes, we have.

16 THE COURT: Would you give it to the Court
17 security officer, please.

18 (Verdict form given to security officer and then to
19 the Court.)

20 The verdict will now be published; that is,
21 read aloud by the clerk in court.

22 THE CLERK: "We, the jury duly impaneled in
23 the above-entitled case, having reviewed and applied
24 the jury instructions provided by the Court, find the
25 following unanimously and beyond a reasonable doubt as

1 to the defendant Aaron Michael Shamo.

2 "Count I. Engaging in a continuing criminal
3 enterprise. As to Count I, we find the defendant
4 Aaron Michael Shamo guilty.

5 "Having found the defendant guilty of Count
6 I, we also unanimously find that the United States has
7 proven, beyond a reasonable doubt, that the amount of
8 controlled substance attributable to the defendant was
9 at least 12,000 grams of a mixture or substance
10 containing a detectable amount of Fentanyl.

11 "Having found the defendant guilty of Count
12 I, we also unanimously find that the United States has
13 proven, beyond a reasonable doubt, that the defendant
14 was a principal administrator, organizer or leader of
15 the enterprise.

16 "Having found the defendant guilty of Count
17 I, we also unanimously find that the United States has
18 proven, beyond a reasonable doubt, that defendant has
19 committed the underlying violations as to all -- as to
20 all the underlying violations on pages 2 through 11 of
21 this Special Verdict Form except for conspiracy to
22 distribute Fentanyl resulting in death of R.K, all in
23 violation of Title 21 United States Code Sections
24 841(a)(1) and 846 and Title 18 United States Code
25 Section 2; and except for the violation alleged in

1 Count VI, aiding and abetting the distribution of
2 Fentanyl resulting in death.

3 "Count II. Aiding and abetting the
4 importation of Fentanyl. As to Count II, we find the
5 defendant Aaron Michael Shamo guilty.

6 "Having found the defendant guilty of Count
7 II, we also unanimously find that the United States
8 has proven, beyond a reasonable doubt, that the amount
9 of controlled substance attributable to the defendant
10 was at least 40 grams of a mixture or substance
11 containing a detectable amount of Fentanyl.

12 "Count III. Aiding and abetting the
13 importation of Alprazolam. As to Count III, we find
14 the defendant Aaron Michael Shamo guilty.

15 "Count IV. Aiding and abetting the
16 importation of Fentanyl. As to Count IV, we find the
17 defendant Aaron Michael Shamo guilty.

18 "Having found the defendant guilty of Count
19 IV, we also unanimously find that the United States
20 has proven, beyond a reasonable doubt, that the amount
21 of controlled substance attributable to the defendant
22 was at least 40 grams of a mixture or substance
23 containing a detectable amount of Fentanyl.

24 "Count V. Possession of Fentanyl with intent
25 to distribute. As to Count V, we find the defendant

1 Aaron Michael Shamo guilty.

2 "Having found the defendant guilty of Count
3 V, we also unanimously find that the United States has
4 proven, beyond a reasonable doubt, that the amount of
5 controlled substance attributable to the defendant was
6 at least 400 grams of a mixture or substance
7 containing a detectable amount of Fentanyl.

8 "Count VI. Distribution of Fentanyl that
9 resulted in death."

10 The jury has not checked guilty or not
11 guilty.

12 "Count VII. Manufacture of Alprazolam. As
13 to Count VII, we find the defendant Aaron Michael
14 Shamo guilty.

15 "Count VIII. Adulteration of drugs. As to
16 Count VIII, we find the defendant Aaron Michael Shamo
17 guilty.

18 "Count IX. Adulteration of drugs. As to
19 Count IX, we find the defendant Aaron Michael Shamo
20 guilty.

21 "Count X. Use of the U.S. mail in
22 furtherance of a drug trafficking offense. As to
23 Count X, we find the defendant Aaron Michael Shamo
24 guilty.

25 "Count XI. Conspiracy to commit money

1 laundering. As to Count XI, we find the defendant
2 Aaron Michael Shamo guilty.

3 "Count XII. Money laundering promotion or
4 concealment. As to Count XII, we find the defendant
5 Aaron Michael Shamo guilty.

6 "Count XIII. Engaging in monetary
7 transactions improperly derived from specified
8 unlawful activity. As to Count XIII, we find the
9 defendant Aaron Michael Shamo guilty."

10 THE COURT: Do you want the jury polled?

11 MR. SKORDAS: No, Your Honor.

12 THE COURT: Thank you. You can be seated.

13 I'll direct the clerk to record the verdict.

14 Ladies and Gentlemen of the Jury, thank you
15 for your service. Again, we know this is not easy.
16 It is not pleasant. You've got a lot of other things
17 to do and this is also very difficult, I'm sure, but
18 we appreciate your service. As I said three weeks
19 ago, our system wouldn't work unless people like you
20 came in and served on our juries and so we now excuse
21 you with our thanks, and you can leave. You can go
22 home. If any of you want to stick around for a
23 minute, I can come in and answer questions about the
24 process, but you don't have to. You have been here a
25 long time.

1 And now you're free from you're obligation to
2 not to talk about the case. You can talk about it if
3 you want to. You're not required to if you don't.
4 Thank you again.

5 THE CLERK: All rise, please.

6 (Whereupon the jury leaves the courtroom.)

7 THE COURT: Now, you've filed some motions
8 that have not yet been responded to. I assume we'll
9 get a response to that, those motions, and I'll rule
10 on those in due course.

11 MR. GADD: Yes, sir, if we could respond by
12 the middle of next week.

13 THE COURT: That's fine. We should set a
14 sentencing date, I suppose, about 90 days out.

15 THE CLERK: That puts us at the week of
16 Thanksgiving. Would you like the following week?

17 THE COURT: Yeah, later.

18 THE CLERK: Okay. We could it December 1, 2,
19 3, any of those days, morning or afternoon

20 MR. SKORDAS: They are all fine.

21 THE CLERK: Let's do Tuesday, December 3 at
22 10:30 a.m.

23 THE COURT: All right.

24 MR. GADD: Mr. Burggraaf and I are in trial,
25 and we think it might go. Could we possibly have it

1 in the afternoon?

2 THE CLERK: Sure. Let's do 2:30.

3 THE COURT: All right.

4 THE CLERK: 2:30 p.m.

5 MR. GADD: Thank you.

6 THE COURT: And you folks will decide what
7 you're going to do about the counts that weren't
8 decided.

9 MR. GADD: Yes, sir. In terms of the
10 sentencing, I anticipate that there will be people
11 from the community who have been affected by the
12 defendant's conduct who may wish to address the Court.
13 Could we potentially block out a little more time on
14 the Court's calendar, and we can always scale back if
15 needed.

16 THE COURT: Yes. But they -- you know, they
17 can also file letters. Some people are more
18 comfortable sending in letters.

19 MR. GADD: I imagine the balance of it will
20 be.

21 THE COURT: Rather than speaking publicly?

22 MR. GADD: Yes, sir.

23 THE COURT: Anything else today?

24 MR. SKORDAS: No, Your Honor. Thank you very
25 much.

1 THE COURT: Thank you all. We'll be in
2 recess on this matter.

3 (Whereupon the proceedings were concluded.)
4

5 REPORTER'S CERTIFICATE

6 STATE OF UTAH)
7) ss.
8 COUNTY OF SALT LAKE)
9

10 I, REBECCA JANKE, do hereby certify that I
11 am a Certified Court Reporter for the State of Utah;

12 That as such Reporter I attended the hearing
13 of the foregoing matter on August 30, 2019, and
14 thereat reported in Stenotype all of the testimony and
15 proceedings had, and caused said notes to be
16 transcribed into typewriting, and the foregoing pages
17 numbered 2127 through 2135 constitute a full, true and
18 correct record of the proceedings transcribed.

19 That I am not of kin to any of the parties
20 and have no interest in the outcome of the matter;

21 And hereby set my hand and seal this 18th
22 day of December, 2020
23

24 _____
25 REBECCA JANKE, CSR, RPR, RMR